

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

DAIJUAN TAIKAIN TAYLOR, :

Plaintiff, :

v. :

Commissioner TYRONE OLIVER,
et al., :

Defendants. :

Case No. 5:23-CV-00337-TES-CHW

ORDER

Pro se Plaintiff Daijuan Taikain Taylor, a prisoner confined in Macon State Prison in Oglethorpe, Georgia, filed this 42 U.S.C. § 1983 action. [Doc. 1]. Plaintiff also filed a motion for leave to proceed *in forma pauperis* without the statutory supporting documents. [Doc. 2]. On September 15, 2023, Plaintiff was ordered to recast his complaint and was provided detailed instructions on how to do so. [Doc. 4]. Plaintiff was further ordered to either submit the statutory documents to support his motion to proceed *in forma pauperis* or pay the full filing fee. [*Id.*]. Plaintiff was given 14 days to respond and was informed that failure to comply would result in dismissal of this action. [*Id.*]. Plaintiff failed to respond.

Therefore, on October 19, 2023, the Court notified Plaintiff that it had not received a recast complaint nor was the incomplete motion to proceed *in forma pauperis*

addressed. [Doc. 5]. The Court ordered Plaintiff to show cause why this action should not be dismissed for failure to comply with the Court's previous order. [*Id.*]. The Court unambiguously informed Plaintiff that this action would be dismissed if he failed to comply with this Court's orders. [*Id.*]. Plaintiff was given 14 days to respond. [*Id.*]. Plaintiff did not respond.

Because Plaintiff has failed to comply with the Court's orders or otherwise prosecute his case, the Court **DISMISSES** the claims in his Complaint **without prejudice**. See Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) (first citing Fed. R. Civ. P. 41(b); and then citing *Lopez v. Aransas Cnty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order."); *Duong Thanh Ho v. Costello*, 757 F. App'x 912 (11th Cir. 2018) (holding that the district court did not abuse its discretion in *sua sponte* dismissing without prejudice prisoner's *pro se* § 1983 complaint for failure to comply with court order to file amended complaint where order expressly informed prisoner of deficiencies in his complaint and rules that he needed to follow in filing amended complaint).

SO ORDERED, this 13th day of November, 2023.

S/ Tilman E. Self, III,
TILMAN E. SELF, III., JUDGE
UNITED STATES DISTRICT COURT